

body mount support bracket. Lastly, the body mount support bracket is secured to a portion of a vehicle body and frame assembly so as to maintain the internal stresses therein. Independent Claim 17 defines the invention as a method of manufacturing a vehicle body and frame assembly, wherein a similarly defined body mount support bracket supports a body mount of a body portion on the frame portion to provide a vehicle body and frame assembly.

As noted by the Examiner, the applicant's admitted prior art discloses that in the past, a body mount support bracket has been secured to a portion of a vehicular frame assembly "by initially disposing the central body portion and the leg portions thereof in abutment with the structural component, then securing such central body portion and leg portions to the structural component, such as by welding, adhesives, and the like." As also noted by the Examiner, the applicant's admitted prior art does not show or suggest either of the claimed steps of (1) creating internal stresses within the body mount support bracket; or (2) securing the body mount support bracket to a portion of a vehicle body and frame assembly so as to maintain the internal stresses therein.

The La Rocca reference is non-analogous art to the claimed invention and, therefore, should not be considered at all when evaluating the patentability of the claimed invention. As set forth in Section 2141.01(a) of the MPEP, a reference must either be (1) in the field of the applicant's endeavor or (2) reasonably pertinent to the particular problem with which the inventor was concerned. With respect to the latter test, a reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem.

With respect to the first leg of this test for analogous art, the field of the La Rocca reference is a method of manufacturing a structural sheet metal product, such as a product with a closed polygonal section (a rectangular box section, for example) or a product that presents a high degree of rotational inertia (a section iron, for example). The field of the claimed invention is a method for securing a body mount support

bracket to a frame portion of a vehicle body and frame assembly so as to provide increased strength. Thus, although the La Rocca reference might be relevant to the method of manufacturing either (1) the body mount support bracket alone or (2) the frame portion of the vehicle body and frame assembly alone, it is clearly not related to the claimed method for securing the body mount support bracket to the frame portion so as to provide increased strength. Thus, the field of the La Rocca reference is clearly not within the field of the claimed invention.

With respect to the second leg of this test for analogous art, the problem addressed by La Rocca reference (namely, the dimensional inaccuracies that result from the springback of metallic articles that are deformed) is quite different from the problem addressed by the claimed invention (namely, to provide increased the strength and rigidity of a body mount support bracket secured to a frame portion of a vehicle body and frame assembly). Thus, the La Rocca reference is clearly non-analogous art to the claimed invention and, therefore, should not be considered at all when evaluating the patentability of the claimed invention.

However, even if it is proper to consider the disclosure of the La Rocca reference, the claimed invention is not obvious. The La Rocca reference discloses several deficiencies associated with the use of permanent deformation techniques, such as pressing or bending. At Column 1, Lines 32-37, the La Rocca reference states that:

“the severe stress required for achieving a high degree of local deformation (as when deep-drawing sharp edges, etc.) invariably results in springback of the material whereby, upon removal of stress, the pressed or bent part springs back to a different shape from that assumed under stress.”

At Column 1, Lines 38-54, the La Rocca reference further states that:

“Dimensional inaccuracy resulting from springback of the material is especially noticeable when sheet metal parts produced using traditional permanent deformation techniques are welded, e.g. spot welded, to another part, in which case, any dimensional inaccuracy is counteracted by maintaining the two parts under stress and contacting each other. When stress is removed, however, the welded parts tend to return to their original shape, thus subjecting the weld spots to internal stress

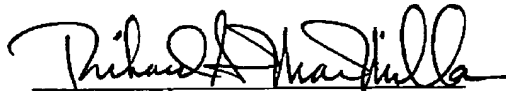
which remains throughout the working life of the assembled structure, and which, especially in the case of structures subjected repeatedly to pulsating stress (e.g. vehicles), results, at least macroscopically speaking, in sudden failure of the weld spots, which "spreads domino fashion" from one spot to another along the weld line, with catastrophic consequences to the structure as a whole."

Thus, the La Rocca reference discloses that the use of permanent deformation techniques is undesirable and, therefore, provides "a method of manufacturing structural sheet metal products, designed to overcome the drawbacks typically associated with the aforementioned known techniques" (Column 2, Lines 10-13).

Contrary to the teachings of the La Rocca reference, however, the claimed specifically seeks to both (1) create internal stresses within the body mount support bracket; and (2) secure the body mount support bracket to a portion of a vehicle body and frame assembly so as to maintain the internal stresses therein. The differences between the claimed invention and the La Rocca reference could not be clearer. Thus, a person having ordinary skill in the art would not combine the references to achieve the claimed invention.

It should be noted that the Examiner has not provided any motivation for combining the references in the proposed manner. Absent any such motivation, the proposed combination of references must fail. Accordingly, the claimed invention is clearly patentable over the art of record.

Respectfully submitted,



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